

ATTORNEY DOCKET NO.:
43-97-001 (014208.1183)

PATENT
08/920,433

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kathryn A. Howard
Serial No.: 08/920,433
Filing Date: August 29, 1997
Group Art Unit: 2123
Examiner: William Thompson
Title: METHOD AND SYSTEM OF PROVIDING ACCESS
PRIVILEGES TO RECORDS OF MEMBERS OF A
COMMUNITY

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Notification of Extension of Time (2 pages) in duplicate, Petition to the Commissioner Under 37 C.F.R. 1.181 (11 pages), Response to Examiner Interview Summary Record (3 pages), this Certificate of Mailing, and a Baker Botts acknowledgment postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 29th day of July, 2003 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Willie Jiles
Willie Jiles

Express Mail Receipt
No. EV 324622144 US
Attorney Docket No. 43-97-001 (014208.1183)

EV324622144US

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Dear Sir:

RESPONSE TO EXAMINER INTERVIEW SUMMARY RECORD

In response to the Examiner Interview Summary Record mailed July 9, 2003 (the "Interview Summary"), Appellants respectfully provide the following comments in relation thereto.

Appellants respectfully disagree with the substance of the Interview Summary. Appellants (specifically, Chad C. Walters) conducted a telephone interview with Supervisory Patent Examiner Kevin J. Teska (supervisor to Examiner William D. Thomson) on June 27, 2003. The propriety of the Notice of Non-Compliance With 37 CFR 1.192(c) mailed May 29, 2003 (the "Notice of Non-Compliance") was discussed in the telephone interview. In such discussion, Appellants brought up a different application, also in front of Examiner Thomson, to point out to Examiner Teska that similar issues to those in the Notice of Non-

Compliance had previously been addressed in a decision under the authority of the Commissioner.

Appellants indicated that the issuance of the Notice of Non-Compliance was improper, because Appellants' Appeal Brief is fully compliant with all requirements of 37 CFR 1.192(c). For the record, Appellants contention was, and continues to be, that all of the issues presented in the Notice of Non-Compliance are appealable. Examiner Teska indicated that Appellants were not required to respond to the Notice of Non-Compliance. However, if Appellants did not respond, Examiner Thomson may, in his Examiner's Answer, ignore issues presented in Appellants' Appeal Brief that Examiner Thomson believes are not appealable. Appellants responded that Examiner Thomson may choose to ignore issues presented by Appellants in the Appeal Brief, but that such decision would not remove such issues from being presented in the appeal. Appellants never did, and do not, acquiesce to any determination by Examiner Thomson regarding what is considered petitionable subject matter and what is considered appealable subject matter within the Appeal Brief.

Because of the disagreement over the substance of the Interview Summary, Appellants will submit a Petition to the Commissioner in response to the Notice of Non-Compliance.

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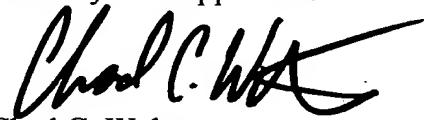
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No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Appellants



Chad C. Walters
Reg. No. 48,022

Date: July 29, 2003

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